FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No.453 of 2007

Vishal Hemendra Parekh. ..Applicant.

Vs.

The State of Maharashtra. ..Respondent.

Mr Rahul Arote h/f S.R. Pasbola, Advocates for the applicants.

Mr Kishore Bhatia, Advocate for the Respondent No.1.

Mr S.S. Pednekar, APP for the Respondent No.2.

CORAM: V.C. DAGA,J.

DATED: 18TH OCT, 2007.

P.C.:-
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1. Not on board. On request taken on board.

2. Heard.

3. Perused revision applicaktion.

4. Parties to the petition have filed compromise pursis dated 18th October, 2007 duly signed by the applicant, the respondent no.2 and their learned counsel. They have also produced copy of the compromise pursis dated 29th August, 2007, which was presented by them in the Sessions Court, Greater Bombay.

The said copy is also duly signed by the appellant, the respondent no.1 and their learned counsel. The same is taken on record and marked "X" for identification.

5. It is the grievance of the applicant in this revision application that the lower appellate Court has refused to record compromise between the parties. As a matter of fact, looking to the terms of the settlement which was obligatory on the part of the lower appellate court to record compromise. However, it appears that the lower appellate Court was pleased to reject the said compromise for the reasons stated in the said order.

6. Consequently, by consent of parties the said order is set aside.

7. Compromise deed produced today is taken on record and marked "X" for identification. The offence under Section 138 of the Negotiable Instruments Act stands compounded in terms of the settlement arrived as mentioned in the said compromise deed.

8. The aforesaid compounding of the offence shall be subject to the compliance of the terms and conditions mentioned in the said

compromise deed. Failure on the part of the applicant in compliance of any of the part of the terms and conditions, the proceedings would stand revived.

9. Learned counsel for the applicant undertakes to produce the copy of this order on the file of the learned Sessions Judge, Greater Bombay, so as to enable him to dispose of the appeal pending on his file.

10. The revision application stands disposed of in above terms.

11. Parties are permitted to act on authenticated copy of this order.

(V.C.DAGA,J.)